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VIA FACSIMILE - 3 PAGES (Including This Cover)

Commissioner for Patents
POB 1450, Alexandria, VA 22313-1450
Attention: J.L. Havermehl, Group AU 2651
Transmitted to TC 2600 AFTER FINAL Fax No. 703-872-9315

Re: FUJII *et al.*, Serial No. 09/517,176
Attorney Docket No. 501.37264X00
USPTO Conf. No. 4516

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AUG 22 2003
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SUBMISSION OF REQUEST FOR RE-DETERMINATION OF PATENT TERM

Sir:

Applicant hereby formally submits the attached "Request for Re-Determination of Patent Term" (2 pgs.) for the above-identified application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached "Request for Re-Determination of Patent Term" (2 pgs.) is being **FORMALLY** filed in the USPTO via TC 2600 AFTER FINAL Fax No. 703-872-9315 on 21 August 2003.


Patricia J. Jaquett

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OFFICE OF PETITIONS

#12

501.38264X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshikatsu FUJII *et al.*
Serial No.: 09/517,176
Filed: 3 March 2000
For: MAGNETIC DISK DRIVE AND METHOD
OF CONTROL OF THE DRIVE (As Amended)
Art Unit: 2651
Examiner: J.L. Habermehl
Conf. No. : 4516

REQUEST FOR RE-DETERMINATION OF PATENT TERM

Commissioner for Patents
POB 1450
Alexandria, Virginia 22313-1450

21 August 2003

Sir:

In view of the fact that a Notice of Abandonment (copy attached) was mistakenly mailed 21 July 2003 in connection with the above-identified application, indicating that the application has been held abandoned for failure to timely pay the Issue Fee due 11 June 2003, and in view of the concurrently submission of a §1.181 Petition to Withdraw the holding of abandonment with proof under MPEP §503 of the timely payment of the Issue Fee in this case, Applicant respectfully requests that the USPTO re-determine the term of any patent issuing on the present application, to account for the delay entailed by the error on the part of the Office in the abandonment of the present case where no such abandonment should have been made.

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SEP 05 2003

OFFICE OF PETITIONS

FUJII et al., S.N. 09/517,176

Docket No. 501.38264X00

NO FEE IS REQUIRED FOR ENTRY OF THIS REQUEST.

Respectfully submitted,



Alan E. Schiavelli
Registration No. 32,087
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Arlington, Virginia 22209-3801, USA
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CONCURRENT SUBMISSION:

Petition Under §1.181 to Withdraw Holding of Abandonment
(w/ Copy of Notice of Abandonment, Copy of Issue Fee
Transmittal Form PTOL-85B filed 6/11/2003 and
Copy of Receipt Postcard w/Date Stamp)

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